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SPEECH

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OF

HON. MORTON S. WILKINSON,  
OF MINNESOTA,

ON

THE CONSTITUTION AS IT IS;

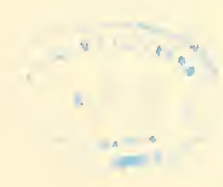
DELIVERED

IN THE SENATE OF THE UNITED STATES, MARCH 2, 1861.



WASHINGTON:  
1861.

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# NO SURRENDER OF PRINCIPLES.

The SECRETARY read the following amendment as a substitute for House joint resolution No. 80, to strike out all after the enacting clause, and insert:

That the following articles be, and are hereby, proposed and submitted as amendments to the Constitution of the United States, which shall be valid to all intents and purposes as part of said Constitution, when ratified by conventions of three fourths of the several States:

## ARTICLE I.

In all the territory of the United States now held or hereafter acquired, situate north of latitude 35° 30', slavery or involuntary servitude, except as a punishment for crime, is prohibited, while such territory shall remain under territorial government. In all the territory now held or hereafter acquired, south of said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress; but shall be protected as property by all the departments of the territorial government during its continuance; and when any Territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then Federal ratio of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

## ARTICLE II.

Congress shall have no power to abolish slavery in places under its exclusive jurisdiction and situate within the limits of States that permit the holding of slaves.

## ARTICLE III.

Congress shall have no power to abolish slavery within the District of Columbia so long as it exists in the adjoining States of Virginia and Maryland, or either, nor without the consent of the inhabitants, nor without just compensation first made to such owners of slaves as do not consent to such abolishment. Nor shall Congress at any time prohibit officers of the Federal Government, or members of Congress, whose duties require them to be in said District, from bringing with them their slaves, and holding them as such, during the time their duties may require them to remain there, and afterwards taking them from the District.

## ARTICLE IV.

Congress shall have no power to prohibit, or hinder the transportation of slaves from one State to another, or to a Territory in which slaves are by law permitted to be held, whether that transportation be by land, navigable rivers, or by the sea. But the African slave trade shall be forever suppressed, and it shall be the duty of Congress to make

such laws as shall be necessary and effectual, to prevent the migration or importation of slaves, or persons owing service or labor, into the United States from any foreign country, place, or jurisdiction whatever.

SEC. 2. That persons committing crimes against the rights of those who hold persons to service or labor in one State, and fleeing to another, shall be delivered up in the same manner as persons committing other crimes; and that the laws of the States from which such persons flee shall be the test of criminality.

SEC. 3. Congress shall pass efficient laws for the punishment of all persons in any of the States, who shall in any manner aid and abet invasion or insurrection in any other State, or commit any other act tending to disturb the tranquillity of its people, or government of any other State.

## ARTICLE V.

That, in addition to the provisions of the third paragraph of the second section of the fourth article of the Constitution of the United States, Congress shall have power to provide by law, and it shall be its duty so to provide, that the United States shall pay to the owner who shall apply for it, the full value of his fugitive slave, in all cases when the marshal, or other officer, whose duty it was to arrest said fugitive, was prevented from so doing by violence or intimidation, or when, after arrest, said fugitive was rescued by force, and the owner thereby prevented and obstructed in the pursuit of his remedy for the recovery of his fugitive slave, under the said clause of the Constitution and the laws made in pursuance thereof. And in all such cases, when the United States shall pay for such fugitive, they shall have the power to reimburse themselves by imposing and collecting a tax on the county or city in which said violence, intimidation, or rescue was committed, equal in amount to the sum paid by them, with the addition of interest and the costs of collection; and the said county or city, after it has paid said amount to the United States, may, for its indemnity, sue and recover from the wrong-doers or rescuers, by whom the owner was prevented from the recovery of his fugitive slave, in like manner as the owner himself might have sued and recovered.

## ARTICLE VI.

No future amendment of the Constitution shall affect the five preceding articles, nor the third paragraph of the second section of the first article of the Constitution, nor the third paragraph of the second section of the fourth article of said Constitution; and no amendment shall be made to the Constitution which will authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is or may be allowed or permitted.

## ARTICLE VII.

SEC. 1. The elective franchise and the right to hold office,

whether Federal, State, territorial, or municipal, shall not be exercised by persons who are, in whole or in part, of the African race.

Mr. WILKINSON. I understand the question to be upon the adoption of the amendment just read, which is the proposition of the Senator from Kentucky, as a substitute for the House resolution?

The PRESIDING OFFICER. (Mr. Foor, in the chair.) That is the question now before the Senate.

Mr. WILKINSON. Mr. President, unlike the Senator from Oregon, I shall neither vote for the substitute, nor for the original proposition. The course which events have taken since the late presidential election is so new and strange to the people of the United States, so startling to the public mind, that the friends of the Constitution and the laws are fast arraying themselves together to uphold the institutions of our country, while its enemies are fast becoming consolidated for the purposes of its destruction. With the Federal Government in their hands, with the Army and the Navy under their control, with the President subject entirely to their will, with all the Federal patronage in their hands, with the Supreme Court ever ready to decide all questions of constitutional law in accordance with their views, with the Senate under their control, with a majority in the other end of this Capitol—thus in power and authority, in every branch and department of the Federal Government, its enemies, at the commencement of this session, deliberately proposed the overthrow and ruin of this Government, simply because the people of the United States, in strict conformity with the Constitution and the laws, elected Abraham Lincoln President; for it is beyond all question, if Mr. Breckinridge had been elected, there would have been no threats of dissolution, of disunion, of secession, such as now fill the air. With no complaints against the Federal Government for grievances which cannot be redressed under the Constitution as it is, suffering no wrongs for which that instrument does not provide the most ample remedy, these men, the enemies of this Union, the enemies of our Constitution, propose its overthrow and its ruin, because the Treasury of the Government is about to pass out of the hands of those who have despoiled it, and into the possession of those whom the people have selected to guard and protect it.

I will not allude to the subterfuges behind which

the enemies of our Government seek to shield themselves, nor shall I refer to the miserable excuses which they offer for the monstrous crime of the destruction of this Government. Stripped of all disguises and unworthy evasions, let it be known, now and forever, in this Senate Chamber and throughout the civilized world, that the sole and only reason for which it is proposed to destroy this Government is, that a false, faithless, and corrupt Administration has been driven from power by the authority and majesty of the sovereign people, whose right it is to rule this nation.

Sir, what is the record which that party has left for the study of the people of this country? Coming into power with an overflowing Treasury, in four short years it brings bankruptcy upon this nation. Its chief financial agent, after having brought disgrace and ruin upon the land, after having brought bankruptcy upon this nation, seeks to shield himself from the indignation of an outraged people by taking refuge beneath the black banner of treason. The Secretary of War, charged by his oath of office with the management of the military affairs of the proudest nation on earth, instead of conducting those affairs for the protection of the people of this great nation, employs the power thus confided for the purpose of enriching himself and corrupt party favorites, turns the military power of this country into the hands of its enemies, despoils, by illegal, corrupt, and fraudulent acts of his, the people's Treasury, and refuses protection, in the hour of peril, to the country's truest and most noble defender. He, too, after having blackened his own character; after having blackened the reputation of his own country, and after having defamed, in the name of his own State, the home of Washington, he, too, to shield himself from the indignation of an outraged people, takes refuge beneath the same black banner of treason.

The Secretary of the Interior, charged by his oath of office with the management of the internal affairs of this great nation, sworn to support the Constitution and the laws, while thus acting under that oath, goes forth upon a mission to devise ways and means to provide for the dissolution of that very Union which he was sworn to support; and while thus acting in violation of his oath, his own Department is being robbed of a marvelous amount by an especial and confidential agent and friend, himself a secessionist, who thought it was necessary to protect himself with his southern friends by publicly declaring in a city paper that

he would not hold office under a black Republican President. Why, sir, this action of the Secretary of the Interior is so strangely inconsistent, so violative of his oath of office, so criminally violative of every principle of right, so much in utter disregard of his own oath, that his own friends are shocked and disgusted at his transactions.

It was against this Administration, with which these men were connected, that the people last fall rendered their verdict; and now we are asked to apologize for that decision; we are asked to apologize for hurling such men from power; we are asked to apologize for turning out the vampires who have preyed upon the Treasury of this country. Was ever crime more bold, audacity more defiant, or treason more daring than this?

Mr. President, when I came to the capital at the commencement of this session, it was my hope that, through calm and conciliatory action, the clouds that seemed to "lower upon our house" might break away, and leave the clear, bright sun of peace to shine upon us once more. It was my hope that in the action of the people which had just taken place, in the decision at the polls in last November, the defeated would have acquiesced, as it has been our part to have yielded in the past. But, sir, in this my hopes have been mistaken. The course which the debate took in the early part of this session had a tendency to lead to anything but good or profitable results. On this side of the Chamber we were immediately met by violent and inflammatory harangues, by bitter invectives and personal abuse thrown to us from the other side of the Chamber, until it became apparent to every man of common observation that nothing like conciliatory action could be had here. For neither individuals nor communities are likely to be driven from the support of their principles and their convictions through the agency of threats and denunciations.

Why, sir, we were told by gentlemen from that side, who had upheld this Administration, all reeking with fraud and villainy as it was, that we were chargeable with the destruction of this Government. We were told, in the early part of this session, that we must surrender our principles; we must lay down our convictions; we must cease to talk about the question of personal liberty or of personal right; or else, they told us, this Union would be broken up forever. Well, sir, in making these unreasonable demands, in giving utterance to these violent and abusive threats, the people of

the South have acted under a fatal mistake. I know that heretofore the people of the South have looked upon the northern people as craven. I know they have considered them cowardly. I am well aware they have regarded them as being powerless beneath the crushing weight of the moneyed influence of the country; and in this our neighbors have had too great reason for so believing. I know that heretofore, whenever threats like these have been uttered by the South, her people have regarded the trading interests of the East, and the commercial men of our northern cities, as their natural allies, ever ready to bow down at the bidding of the South, and to surrender to any demand which might be made of them. I know well that heretofore this trading, moneyed influence of the North has exerted a mighty power in controlling even the political action of the country; but here the South has made one great mistake. Since the compromise of ten years ago, the last of the compromises, a great West has sprung up, full grown and powerful, which sends my friend from Michigan [Mr. CHANDLER] and others here, who have a little more backbone and a little more nerve, I apprehend, than some of our eastern Republicans; and here is where our southern friends made a little mistake.

But, sir, what was their demand? What was their claim? The Senator from Georgia [Mr. IVERSON] said: "You must give up to us the Territories of this whole country; we will carry our slaves into all the Territories of this nation, or we will destroy this Union; we will have that right in the Union, if we can get it; out of the Union, if we cannot." Now, sir, we had just decided that question. This extraordinary demand came to us within four weeks from the time that the people of this great country had, by their solemn and overwhelming verdict, declared that they would not do any such thing. If I understand the position which those gentlemen took, it was this: "Surrender your convictions, you people of the North; you craven Black Republicans, lay down your political convictions; give them all up; give us all the Territories of this country, and let this nation be a pro-slavery nation, and we will condescend to remain in this Union." I will let some of my friends from the East and from the commercial seaports answer for themselves; but, Mr. President, the people of the Northwest plant themselves upon the verdict of the 6th of November last; and I, for one, declare here that I shall vote for no proposition whatever which recedes

one inch from that verdict. I have no right, as a representative of the people, to barter off or to traffic away that decision, and I say plainly I never will do it.

But we are told that we must make concessions to the South, or they will go out. Now, sir, let us look at this question for a moment. What have we to concede? What have we got, poor Black Republicans, as they call us, to concede? What have we ever had in this country? When did we ever have the power? When did we ever make a law in the United States? When have we ever taken a single tith or a jot or a tittle from your rights? When did we ever take one tittle from your constitutional liberty or your constitutional rights? Never! never! for we never had the power to do it.

Let us look at the history of this question for one moment. I intend to be brief. In 1850, you said that the country was in danger; the Constitution was in danger; the Union was in danger. And why? Because the people of the North claimed that the Wilmot proviso should be applied to all the Territories which had been acquired from Mexico. There was a good deal of strife about it; and Mr. Clay—a very great man, whose memory I adore to-day—came forward to settle this question. How did he propose to settle it? In the first part of the session of Congress of that year, he offered a series of resolutions, and afterwards proposed a series of bills which carried out the theory of the resolutions he had introduced. Here are two of those resolutions:

“Resolved, That California, with suitable boundaries, ought, upon her application, to be admitted as one of the States of the Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

“Resolved, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from, any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.”

That was the principle introduced here by the great Henry Clay. What was that principle? My friend from Illinois [Mr. DOUGLAS] says that was the great doctrine of non-intervention; and so it was. I know they were a series of propositions which the North did not like very well, because there were some propositions among them,

to which I shall not allude, which shocked the sense of the northern people, and which they turned from with disgust and contempt. But Mr. Fillmore came in as President of the United States, and threw the whole force of his administration in favor of the compromises of Henry Clay; and the people of the North surrendered their private convictions and their private feelings, and sustained that compromise. What followed? In a very short time, some two or three years, my friend from Illinois started up here and proposed to tear down the compromise of 1820, because it was in violation of the principles of the compromise of 1850, introduced here by Henry Clay.

The Senator from Tennessee [Mr. NICHOLSON] stated in his speech, some time since, that the first fatal stab which was made at this Union, and to the peace of the country, was when the Republican party met in Philadelphia, in 1856; and the Senator from Illinois [Mr. DOUGLAS] says that the whole source of all this difficulty is the agitation on the part of the anti-slavery men of the North. Now, Mr. President, I think these gentlemen must go a little further back in the history of events, if they will find the true cause of all this difficulty and of all this estrangement of feeling. When the gentlemen from the South, following the lead of the Senator from Illinois, proposed to tear down the time-honored compromise of 1820, that barrier against the aggressions of slavery on this continent, in a time of profound and undisturbed peace, they threw open the flood-gates which let in this angry tide of sectional strife and of fiery controversy which now threatens to destroy this Union.

Now, sir, after having torn down one compromise, because it was inconsistent with the compromise of 1850, the Senator from Kentucky and others come to us and ask us now to tear down this other compromise, in order that they may establish slavery by irrevocable constitutional law, in all that Territory. If I were asked merely to restore the original Missouri compromise, as it stood without any amendment, without any additions or qualifications, I do not know but I would be willing to do it; but when I am asked by the Senator from Kentucky, or any other man, to do what Henry Clay declared there was no earthly power could compel him to do, when I am asked to tear down another compromise for the purpose of establishing—by irrevocable law—slavery upon a vast Territory, I say plainly, here in the Senate Chamber, and to the country, I will never do it;



never! never! never! Let me read what Henry Clay said then on that subject; for it is better than anything I can say:

"I owe it to myself, I owe it to truth, I owe it to the subject, to state, that no earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either south or north of that line."

Now, sir, how do they propose to get around this? They say it exists there, in this very Territory, concerning which Mr. Clay was then speaking. How does it exist there? By the very compromise which was introduced in 1850, which leaves the people there free to pass a law, or to repeal a law; and now that they have passed a law, we are asked here to come forward, and by constitutional enactment, declare that that law shall never be repealed. And what is it? Why, sir, the most barbarous enactment that ever was passed upon the face of the earth; a law which outrages all our ideas of humanity; a law which enables a sheriff to catch up a negro anywhere, put him in jail, and sell him into perpetual slavery if nobody claims him; a law which I say outrages the moral sense of humanity all over the world, and we are asked to fix this *status*, as they call it, of slavery. Why, sir, let my Republican friends who are afraid, vote for it. I will not.

Mr. President, the excuses which have been made, particularly here in this Senate Chamber, and throughout the country, for the destruction of the Government, I apprehend, are not the real reasons which govern the actions of those who are engaged in the destruction of the Government. Governor Wise, perhaps less prudent and more honest than many of his co-conspirators, has stated, in a letter which he wrote some time since, one of the causes for the proposed disruption of this Government. "Remember," said he, "remember, too, that we are not only on the eve of the inauguration of a black power, but also at the end of another decade this very day, with another apportionment, under a new census, which is to dwarf still more our relative representative strength in the Union." Sir, the people of the South, moving on under the ban of slavery, see the onward march of freedom on this continent. They see free States rising up, one after another. They see this great tide of free population stretching out from their sea-port towns to the westward, crossing the great plains of the West, and colonizing, and making new States in a very short space of time. This is the reason.

Sir, let me ask, do these gentlemen suppose

that, by a disruption of this Government, they can stop this emigration? Do they suppose that by tearing down this great edifice, they can prevent the onward march of freedom on this continent. I tell them that if they suppose any such thing, they are acting under a delusion—a false, a fatal delusion. A wise Government may accelerate this great movement; it may render it more easy and harmonious; but even the destruction of the Government itself cannot stop it. It is governed in its progress by a law higher than the Constitution; and no opposition which you can make will seriously affect its movements.

If those who are engaged in the destruction of the Government suppose that their treason will add to the power and dominion of slavery on this continent, or if they are acting under the delusion that a dissolution of the Union will permanently repress the onward and triumphant march of freedom, I apprehend that the sequel will disclose to them the important truth that they are warring with an element too powerful and majestic to be materially affected by any effort they can put forth.

In this warfare you are encountering a power more potent than fleets or armies, a power before which the proudest conqueror is compelled to bow, and against which no nation is powerful enough to contend. You have declared a war against the public sentiment of mankind; and in this warfare you are bound to be vanquished.

Mr. President, I am well aware that the influence which surrounds this metropolis, which pervades this Chamber, and which clusters around the Representatives of the people in the other end of this Capitol, is strongly in favor of any surrender, no matter how humiliating; no matter how degrading; no matter how violative of the principles of liberty and justice such surrender may be, provided the moneyed interests of the commercial and trading districts of the country can be upheld and sustained. I know well that the tainted atmosphere which surrounds us here is powerful in weakening the nerves and limbering the backs of the representatives of the people; but he who yields to this trading, moneyed influence of our cities, will go home to the pure atmosphere of the country to meet the frowns of a betrayed and outraged constituency, who are too pure to be bought, too shrewd to be betrayed, and too brave to be frightened into a degrading and base surrender of their principles.

The young State which I have the honor in part



to represent here, will remain in this Union, and under the Constitution as it is, performing every duty which that Constitution imposes upon her, and ready at all times to make all reasonable sacrifices to preserve the peace and prosperity of the whole country. But when her people are required to surrender their convictions, and to renounce their political opinions, they never will submit to any such degrading humiliation; no, never. I have no right to speak for anybody but myself, and the State I represent. But as for her and for myself, no matter what the consequences may be, we have taken no step from which we intend to recede. Standing upon the Constitution *as it is*, and the laws as they are, the people of my State are not willing that wrong shall be done to any State, or any portion of the people, but they demand that justice shall be done to all. Believing that they are right, the people of the Northwest will adhere to their convictions, faithfully performing every obligation they are under to every portion of the Union. No one has a right to demand more than this. No one has a right to ask us to give bonds for our good behavior. We are ready to perform every constitutional obligation; we are ready to comply with every law and with every duty that is imposed upon us; but we scorn the man, or the party, or the power, that asks us to give security and guarantees for our good conduct. We have a right in this Government, and when we elect a President of the United States, under the Constitution and the laws, we claim, without any let, without any hindrance, without guarantees, except the Constitution of the country, that he shall be President of the United States. Elect your man, and we bow down before him and yield all that the Constitution gives. You have no right to demand anything more than this of us.

I have taken no particular pains to inquire into the justice of your complaints, in regard to the so-called personal liberty bills; nor am I aware that you have suffered any very great wrong from a refusal on the part of the northern people to comply with the provisions of the law for the rendition of

fugitives from labor. But I will say this, if you have any grievances against my State, or the people in our part of the country, present them; and, like brave men, as they are, and honorable men, as they are, they will, without any purchase, without any price, perform their constitutional obligations; but, sir, when you say to us that before entering into our own household—the household at the other end of this avenue, it being ours by the Constitution and the laws—we shall give security that we will not violate the Constitution, I spurn it; and a proud people anywhere would spurn any such miserable surrender for any purpose whatever. The people of the Northwest will never consent to the idea of a southern confederacy to take possession of the mouth of the Mississippi river. Already the madmen of the State bearing the name of that noble river have planted their batteries upon its banks, to exercise a control over the navigation of that great mediterranean highway. This act of itself will lead to war. *It is war.* The bold, hardy, and determined millions of the mighty West, stand ready to-day to maintain the free navigation of that river, if to secure it they will be obliged to desolate its banks from the mouth of the Ohio to the Gulf of Mexico. Much has been said in this Chamber, and out of it, against coercion and civil war. I am well aware that there are at the South a noble army of true and faithful friends of the Constitution, who are putting forth all their efforts to save the Union from destruction, and to avert the horrors of civil war. I am prepared to join hands with the friends of our common country to avert so fearful a calamity. To accomplish this high end, I will yield much that under other circumstances I would not surrender. I sincerely hope and pray that we may recover from this revolution, without bringing war, with all its attendant horrors, upon us. But if war must come, I have an abiding faith that the flag of the Union—the *old flag*—will in the future, as it did in the past, wave in glory and in triumph over the vanguard of a victorious American Army.